

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1358-03  
Bill No.: Perfected HB 612  
Subject: Prisons and Jails; Telecommunications; Department of Corrections  
Type: Original  
Date: April 28, 2015

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Bill Summary: This proposal creates a class D felony for any person to knowingly deliver or have in his or her possession a two-way telecommunications device in or about the premises of a jail, prison, or correctional center. The proposal also extends the authority of the commission of a regional jail district to submit a ballot proposal imposing a sales tax from September 30, 2015 to September 30, 2027.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§§217.360 & 221.111 - Prohibition on certain telecommunications items being possessed in correctional facilities:**

Officials from the **Office of the State Courts Administrator** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of knowingly delivering, attempting to deliver, to have in his possession, deposit or conceal in or about the premises of any correctional center, or city or county jail, or private prison or jail any two-way telecommunications device or its component parts.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections, Office of Prosecution Services, the Department of Public Safety - Missouri Highway Patrol** and the **Boone County Sheriff's Department** each assume the proposal would not fiscally impact their respective agencies.

#### **Amendment 1 (§221.407) - Regional jail districts:**

In response to a similar proposal from this year, HB 639, officials at the **Office of Administration's Division of Budget and Planning, the Department of Revenue** and the **Office of the Secretary of State, the State Tax Commission, the Office of the State Treasurer, and the Office of the State Auditor** each assumed no fiscal impact to their respective agencies from this proposal.

**Oversight** assumes regional jail districts may submit sales tax ballots from September 30, 2015 to September 30, 2027. Oversight assumes this to be permissive and will show this as a no fiscal impact to the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

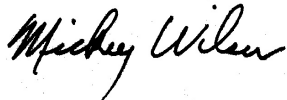
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety  
Department of Corrections  
Office of Prosecution Services  
Office of the State Public Defender  
Office of the State Courts Administrator  
Office of Administration  
Department of Revenue  
Office of the Secretary of State  
State Tax Commission  
Office of the State Treasurer  
Office of the State Auditor  
Boone County Sheriff's Department



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April 28, 2015

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